REMARKS

Claims 1-10 are pending in this application. For purposes of expedition, base claims 1, 2 and 6 have been amended in one particular instance for purposes of clarity and brevity that are unrelated to patentability and prior art rejections in accordance with current Office policy, to define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application. Accordingly, entry of the foregoing amendments is proper under 37 C.F.R. §1.116(b) because those amendments simply respond to the issues raised in the final rejection, no new issues are raised, no further search is required, and the foregoing amendments are believed to remove the basis of the outstanding rejections and to place all claims in condition for allowance.

For example, base claims 1, 2 and 6 have been amended to replace the generic condition for controlling "ON" and "OFF" states of each light source for each of plural regions in the light device, that is "in accordance with a display response of said liquid crystal display unit" with more specific horizontal synchronization signals and vertical synchronization signals, as described on pages 10-12 and FIGs. 6-7 of Applicants' original disclosure. As previously explained in the Amendment filed on January 20, 2004, Applicants' claimed "liquid crystal display apparatus" is able to smoothly display dynamic images, i.e., moving images without obscurity, when a plurality of light sources in the form of lamps 51 arranged for each of plural regions (a, b, c) are utilized, as shown in FIG. 1, FIG. 5, FIG. 9, FIG. 10, FIG. 11 and FIG. 13, in which a control unit is provided for controlling ON and OFF states of a light source for each plural regions into which the lighting device is divided, in

synchronization with horizontal synchronization signals and vertical synchronization signals (see claims 1, 2 and 6). As described at page 11, lines 1-13 of Applicants' original specification, even if dynamic images obtained by moving a static image at a visual-angle speed of 10°/s are displayed, there will be no perceptible obscurity in the dynamic images.

Claims 1-5 and 8-9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hirai et al., U.S. Patent No. 6,122,021 in view of Brittell, U.S. Patent No. 5,749,646 for reasons stated on pages 3-5 of the final Office Action (Paper No. 17). In support of this rejection, the Examiner asserts that Hirai '021, as a primary reference, discloses a liquid crystal display apparatus comprising all claimed elements, except for "a lighting device that includes plurality of light sources" which is allegedly disclosed on column 12, lines 24-44; FIG. 23A and FIG. 23B of Brittell '646.

However, the Examiner's assertion, as was previously discussed in the Amendment filed on January 20, 2004, is factually incorrect. Hirai '021 does **not** disclose not only "the lighting device that includes plurality of light sources" as alleged by the Examiner, but also "a control unit for controlling ON and OFF states of a light source for each of plural regions into which said lighting device is divided" as conveniently ignored by the Examiner.

On page 2 of the final Office Action (Paper No. 17), the Examiner has now for the first time, cited column 6, lines 24-31; column 13, lines 50-61; and FIG. 26 of Brittell '646 for allegedly disclosing this feature. However, the Examiner's citation is completely misplaced for a number of reasons.

First of all, as a secondary reference, Brittell '646 discloses a special effect electrical lamp assembly, as shown, for example, in FIG. 1, FIG. 7A and FIG. 8A, for use in the home, or in commercial establishments such as restaurants and dance clubs for stage productions of varied type, for flood lighting of window displays, statues and walls, and for signage advertisements and illuminated point-of-sale displays, both indoors and/or outdoors. See column 4, lines 40-52 of Brittell '646. According to Brittell '646, such an electrical lamp assembly is capable of emitting different colors of light at different times onto a plural number of distinct areas on the lamp or on objects some distance from the lamp.

However, such an electrical lamp assembly has absolutely nothing to do with Applicants' claimed "lighting device including a plurality of light sources" and "plural regions" arranged in a liquid crystal display panel. As a result, no physical component of such an electrical lamp assembly as disclosed by Brittell '646 can ever possibly be incorporated into any liquid crystal display panel, as incorrect alleged by the Examiner.

Secondly, the cited column 6, lines 24-31; column 13, lines 50-61; and FIG. 26 of Brittell '646 do **not** disclose what the Examiner alleged, that is, the "control unit for controlling ON and OFF states of a light source for each of plural regions into which said lighting device is divided". Rather, FIG. 26 of Brittell '646 shows a schematic diagram of a multifunctional switch for allowing the user to choose the emitted color from an electrical lamp assembly.

Lastly, even assuming *arguendo* that Brittell '646 discloses what the Examiner alleges, which Applicants strongly disagree, there is no suggestion or motivation in either Brittell '646 or Hirai '021 for one skilled in the art to incorporate the subject

matter of Brittell '646 into a liquid crystal display panel of Hirai '021 in order to arrive at Applicants' base claims 1 and 2.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103, the Examiner must show that the prior art reference (or references when combined) must teach or suggest all the claim limitations, and that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings, provided with a reasonable expectation of success. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and **not** based on Applicants' disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2143. In other words, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USQP 494, 496 (CCPA 1970).

Moreover, "obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." ACS Hospital System, Inc v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). The Examiner must point to something in the prior art that suggests in some way a modification of a particular reference or a combination of references in order to arrive at Applicants' claimed invention. Absent such a showing, the Examiner has

improperly used Applicants' disclosure as an instruction book on how to reconstruct to the prior art to arrive at Applicants' claimed invention.

Furthermore, any deficiencies in the cited references cannot be remedied with conclusions about what is "basic knowledge" or "common knowledge". See In re Lee, 61 USPQ 2d 1430 (Fed. Cir. 2002).

In the present situation, both Hirai '021 and Brittell '646 fail to disclose and suggest key features Applicants' base claims 1 and 2. Therefore, Applicants respectfully request that the rejection of claims 1-5 and 8-9 be withdrawn.

Lastly, claims 6-7 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hirai et al., U.S. Patent No. 6,122,021 in view of Brittell, U.S. Patent No. 5,749,646 and Bibayan, U.S. Patent No. 5,572,648 for reasons stated on pages 5-7 of the final Office Action (Paper No. 17). In support of this rejection, the Examiner incorrectly assumes that Hirai '021 and Brittell '646 disclose a liquid crystal display apparatus comprising all claimed elements, except for "a determining circuit for determining whether the image signal to be displayed is for a static image or a dynamic image" which is allegedly disclosed on column 4, lines 66-67; column 5, lines 1-32 and FIGs. 4-5 of Bibayan '648.

Again, notwithstanding the Examiner's assumption regarding Hirai '021 and Brittell '646 is factually incorrect, a static tool palette display and a dynamic tool palette display as described by Bibayan '648 refer to an application program (drawing software) to assist the user to draw images. These static tool palette display and dynamic tool palette display have absolutely nothing to do with Applicants' claimed "liquid crystal display panel" having "a lighting device including a plurality of light sources" and "plural regions" arranged in such a liquid crystal display

panel. As a result, no physical or virtual elements of such an application software of Bibayan '648 can ever possibly be incorporated into any liquid crystal display panel, as incorrect alleged by the Examiner.

In view of the foregoing reasons and noted deficiencies of the Examiner's proposed combination of Hirai et al., U.S. Patent No. 6,122,021; Brittell, U.S. Patent No. 5,749,646; and Bibayan, U.S. Patent No. 5,572,648, Applicants respectfully request that the rejection of claims 6-7 and 10 be withdrawn.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC area office at (703) 312-6600.

INTERVIEW:

In the interest of expediting prosecution of the present application, Applicants respectfully request that an Examiner interview be scheduled and conducted. In accordance with such interview request, Applicants respectfully request that the Examiner, after review of the present Amendment, contact the undersigned local Washington, D.C. area attorney at the local Washington, D.C. telephone number (703) 312-6600 for scheduling an Examiner interview, or alternatively, refrain from issuing a further action in the above-identified application as the undersigned attorneys will be telephoning the Examiner shortly after the filing date of this Amendment in order to schedule an Examiner interview. Applicants thank the Examiner in advance for such considerations. In the event that this Amendment, in

and of itself, is sufficient to place the application in condition for allowance, no Examiner interview may be necessary.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, No. 01-2135 (Application No. 503.38382X00), and please credit any excess fees to said deposit account.

Respectfully submitted,

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